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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 JOHNNY RAY BROWN,

9 *Petitioner,*

10 vs.

11 BRIAN WILLIAMS, *et al.,*

12 *Respondents.*
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2:10-cv-00407-PMP -GWF

ORDER

14 In this represented habeas matter under 28 U.S.C. § 2254, following upon the parties'
15 responses (## 27 & 33) to the to the Court's show cause orders (## 8 & 10) regarding the
16 timeliness of the Petition, this matter will be set for an evidentiary hearing directed to all
17 factual issues pertaining to Petitioner's claim of tolling and/or delayed accrual of the federal
18 limitation period.

19 IT THEREFORE IS ORDERED that the matter is set for an evidentiary hearing for
20 10:00 a.m. on Monday, July 16, 2012, in Courtroom 7C, Lloyd D. George United States
21 Courthouse, 333 Las Vegas Blvd., Las Vegas, Nevada.

22 IT FURTHER IS ORDERED that counsel shall complete the following pre-hearing
23 procedures:

- 24 1. ***Exchange of Preliminary Witness and Exhibit Lists and***
25 ***Stipulations.*** No later than **twenty-eight (28) days** prior to the
26 hearing, counsel shall confer together either in person or by
27 telephone and shall exchange preliminary exhibit and witness
28 lists, exchange (either in person or via mail or fax) any exhibits

1 not already possessed by opposing counsel, and discuss
2 stipulations as to authenticity and any evidentiary objections.

3 2. ***Final Witness and Exhibit Lists and Evidentiary Objections.***

4 No later than **twenty-one (21) days** prior to the hearing, counsel
5 shall jointly file a consolidated final list of the witnesses and
6 exhibits to be offered jointly and/or by each party and which shall
7 further identify any evidentiary objections that may be anticipated
8 in advance of the hearing. No party will be allowed to introduce
9 over objection any witness or exhibit not listed in the final witness
10 and exhibit list, except that a party may file a supplement no later
11 than **fourteen (14) days** prior to the hearing listing evidence in
12 response to any witness or exhibit identified for the first time in
13 the final list. No objection that may be anticipated in advance of
14 the hearing will be preserved unless raised in the final list.

15 3. ***Length of Hearing; Interpreters; Other Housekeeping Matters.***

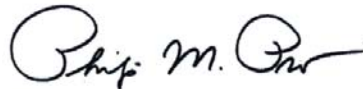
16 The Court anticipates that the hearing will take up to a full day.
17 If counsel (a) anticipate that the hearing will run longer than one
18 full day, (b) anticipate that an interpreter will be needed for a party
19 or a witness, or (c) have other housekeeping matters to address
20 regarding the hearing, they shall contact the Courtroom Deputy
21 regarding same no later than **twenty-one (21) days** prior to the
22 hearing,.

23 4. ***Prisoner Transport Order.*** No later than **fourteen (14) days**
24 prior to the hearing, Petitioner's counsel shall submit an order to
25 transport prisoner to secure Petitioner's presence at the hearing;
26 and any party wishing to call any other prisoner to testify similarly
27 shall submit an order to transport prisoner by that date. No
28 continuance will be granted for failure to secure the attendance

1 of the Petitioner or any other prisoner unless an order to transport
2 prisoner was timely sought. **Each transport order shall include**
3 **the following sentence as the final paragraph: "The Clerk of**
4 **Court additionally shall provide a copy of this order to the**
5 **Marshal's Las Vegas office."**

- 6 5. ***Pre-hearing Memoranda.*** No later than **seven (7) calendar**
7 **days** prior to the hearing, counsel for Petitioner and for
8 Respondents each shall file a pre-hearing memorandum setting
9 forth the evidence that they expect to present at the hearing
10 together with brief legal argument placing the evidence in context.
- 11 6. ***Exhibit Binders.*** On the morning of the hearing, counsel for
12 Petitioner and for Respondents each shall provide to the
13 Courtroom Deputy four binders or sets of exhibit binders, with one
14 such binder or set of binders containing the exhibits offered for
15 introduction at the hearing, and the other three binders or sets
16 being for the bench, the witness stand, and the staff attorney.
17 Each counsel additionally shall provide one additional binder or
18 set of binders to opposing counsel. If joint exhibits are submitted,
19 counsel shall make arrangements between themselves similarly
20 to provide to the Courtroom Deputy four binders or sets of exhibit
21 binders containing the joint exhibits.

22 DATED: February 6, 2012.

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26 PHILIP M. PRO
27 United States District Judge
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